

**CHADDS FORD TOWNSHIP  
PLANNING COMMISSION**

November 19, 2003

**MINUTES**

The Planning Commission of Chadds Ford Township met in the Township Hall on Wednesday, November 19, 2003. Present were Chairman William J. Taylor, Vice-Chairman Maurice Todd, members Fred Reiter and Jim Reamer. Also in attendance were James P. Kelly, EIT, for James C. Kelly, Township Engineer, and Maryann D. Furlong, Planning Commission Secretary.

**CALL TO ORDER**

The meeting was called to order at 7:58 PM. The delayed start was due to a Zoning Hearing that had been scheduled for 7:00 PM.

**PUBLIC COMMENT**

Richard Long of Atwater Road addressed members of the Planning Commission with concerns regarding his property and a proposal by the developer of Stone Brook I and II that a portion of Atwater Road be changed from private to public road. The Long property has twelve large evergreen trees that come within five feet of the road.

Mr. Long had reviewed the plans on file with the Township but could not find any detail as to the position of his trees, nor were the trees shown or discussed in any information that had been submitted. Mr. Long's purpose was to bring to the attention of Planning Commission members the position of the trees and ask that steps be taken during construction to protect them. Mr. Taylor stated that he would look into the matter and have the applicant's engineer revise the plans if necessary.

**APPROVAL OF MINUTES OF October 29, 2003**

Upon motion and second (Todd, Reiter), the minutes of the October 29, 2003 meeting of the Planning Commission were unanimously approved.

**THANKS TO JIM REAMER**

Tonight marked Jim Reamer's final meeting as a member of Planning Commission prior to the effective date of his resignation. Mr. Reamer will be relocating outside the Township. Chairman Bill Taylor

thanked Mr. Reamer for his service to the Chadds Ford community and wished him the best of luck in the future.

### **GRACE SUBDIVISION, RIDGE ROAD – Third Public Review**

L.U. Ginter was present to report on the status of the two lot subdivision plan that had been submitted for the Grace property on Ridge Road. Mr. Ginter stated that he had met with representatives of the Township Engineer's office last Friday to review changes to the plan. Mr. Kelly stated that the revised plan did address most of the concerns and the submission seemed complete, with the only outstanding issues being a deed review by the Township Solicitor and planning module work that is administrative in nature.

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### **MOTION TO RECOMMEND CONDITIONAL APPROVAL OF GRACE/ RIDGE ROAD PRELIMINARY/FINAL SUBDIVISION APPLICATION**

Upon motion and second (Reiter, Todd) members of the Planning Commission moved to recommend approval of the two lot preliminary/final subdivision application of Joe and Carol Grace for the property on Ridge Road, conditioned upon review of the Deed by the Township Solicitor and the timely submission of planning modules.

### **TREMONTA SUBDIVISION, 183 Ridge Road – Third Public Review**

Robert Flinchbaugh, PE, of Register Associates, addressed comments contained in the review letter of Kelly Engineers dated November 19, 2003.

In response to Comment 7., Mr. Flinchbaugh stated that the applicant had received a planning module exemption from DEP, conditioned upon approval from PNDI.

There was discussion regarding Comment 9. and a letter dated

8/13/03 that had been issued by the CFTSA. The applicant was asked to verify that the Sewer Authority was aware of any changes to the plan, namely manhole locations and invert elevations. Mr. Flinchbaugh explained that a different benchmark had been used by Regester in designing the plans and that it was basically a drafting technicality. Mr. Kelly responded that he would prefer the plans match, but only the Spotts, Stevens and McCoy plans would be considered the official reference for public sewer lines. Mr. Todd suggested that a comment be added to the applicant's plan stating the reason for the difference in invert elevations and manhole positions. Mr. Kelly recommended expanding on the plan note referencing the benchmarks used for both plans. Mr. Todd concurred.

In response to Comment 20., Mr. Tremonte's attorney, Alan W. Flenner, had drafted a sanitary sewer easement and will submit same to the Township Solicitor for review.

There was prolonged discussion regarding Comment 27. This concerned an easement for privately owned utility poles for the neighboring Singer property. Mr. Kelly stated that Mr. Singer had voiced concerns regarding the accessibility of electric lines to his house. Mr. Tremonte said that an inspection had determined that the lines will last another fifty years, but shrubbery and trees need to be kept clear. Mr. Tremonte stated that he plans to remove trees within ten feet on either side of the power lines and he will put same in writing. Commission members directed that the clearing of trees be included as a condition in the Developer's Agreement. Mr. Todd suggested that the tree removal be shown on the plan.

Commission members still voiced concerns with Mr. Taylor asking what would happen now if Mr. Singer needed repair work and Mr. Todd wondering where this would leave new owners and would the power company have the ability to perform maintenance without an easement. Any easement would have to be placed on adjacent property so that Mr. Tremonte's acreage would remain intact to permit the three lot subdivision. Mr. Kelly voiced his opinion that the issue was beyond Planning Commission's scope and that it was more of a

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legal issue that would need the attention of the Township Solicitor. Apparently, Mr. Donaghue had suggested that he would address the issue when the subdivision approval came before the Board of Supervisors.

Mr. Tremonte indicated that the possibility of additional screening had been discussed with Mr. Scutalis, a neighbor, who was in turn was supposed to discuss the subject with other neighbors. He had heard nothing further.

Mr. Kelly stated that the other major outstanding issue was the size of the building envelope on Lot 3, which would not allow room for any out building, deck or pool, creating the possibility of a future request for a zoning variance. Mr. Tremonte submitted a new sketch containing the building envelope with a smaller home than had originally been proposed. Mr. Kelly stated that an option was to shrink the size of the house to allow room for a reasonably sized deck, with a note on the plan that the footprint on Lot 3 will not exceed a certain number of square feet. Mr. Flinchbaugh will revise the verbiage in order to achieve the desired result.

Additionally, Mr. Flinchbaugh indicated that Allen Flenner had provided a draft of a deed restriction. Mr. Flenner stated that a Declaration of Covenants and Restrictions could be drafted putting prospective buyers on notice that a deck, etc., would be prohibited and that same would be recorded with the deed at the Recorder of Deeds Office, including the municipality as a party. Mr. Kelly suggested that the subdivision plan be revised to include a note stating that any prospective buyer will enter into a deed restriction if needed. Mr. Taylor indicated that the Board of Supervisors need to be made aware of the situation.

#### **MOTION TO RECOMMEND APPROVAL – TREMONTE SUBDIVISION**

Upon motion and second (Todd, Reiter), members of the Planning Commission recommended approval of the Tremonte Preliminary/Final Subdivision plan, conditioned upon the resolution of items at Comment 9., with wording to be added to the plan regarding a cross reference with the Chadds Ford Township Sewer Authority's plan; Comment 20., with language to be reviewed by the Township Solicitor; Comment 27., an agreement by the applicant to clear trees and brush under and within ten feet of either side of the power line to the Singer property, with any tree to be removed shown on the landscape plan and a note added to the plan indicating same, and the addition of the revised footprint to Lot 3 and a note

on the plan as discussed regarding covenants and restrictions to the deed.

Mrs. Furlong will keep members advised as to location of the next Planning Commission meeting, scheduled for Wednesday, December 17<sup>th</sup> at 7:30 PM.

There being no further business, the meeting was adjourned at 9:05 PM.

Respectfully submitted,

MARYANN D. FURLONG  
Planning Commission Secretary